

DUANE MORRIS LLP

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***Attorneys for Defendants TD Bank, N.A.
and The Toronto-Dominion Bank***

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARTHUR-ALEXANDER GODOY,	:	
	:	Civil Action No. 1:17-cv-13149
Plaintiff,	:	
	:	
v.	:	RETURN DATE: NOV. 5, 2018
	:	
TD BANK, N.A., THE TORONTO- DOMINION BANK, and DOES 1-10,	:	ORAL ARGUMENT REQUESTED
	:	
Defendants.	:	
	:	

**TD BANK, N.A.'S AND THE TORONTO-DOMINION BANK'S
MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), (b)(2), (b)(3), (b)(5) and (b)(6), Defendants TD Bank, N.A. ("TD Bank") or The Toronto-Dominion Bank ("T-D") move for an order dismissing Plaintiff Arthur-Alexander Godoy's Amended Complaint. There are six reasons why the Motion to Dismiss Godoy's Amended Complaint should be granted and the Amended Complaint should be *dismissed with prejudice*:

First, TD Bank and T-D still have not been properly served, Rule 12(b)(5);

Second, for lack of personal jurisdiction as to T-D, Rule 12(b)(2);

Third, for lack of subject matter jurisdiction, Rule 12(b)(1);

Fourth, for improper venue, Rule 12(b)(3);

Fifth, for *forum non conveniens*; and

Sixth, for failure to state a claim, Rule 12(b)(6).

Respectfully submitted,

Dated: October 1, 2018

/s/ Kelly Huff

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